

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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UNITED STATES OF AMERICA,

Plaintiff,

v.

1.) Jose Guadalupe MEZA-Martinez,

Defendant(s)

) Magistrate Case No.

) COMPLAINT FOR VIOLATION OF:

) Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) **WNY**

) Transportation of Illegal

) Aliens

) Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)

) Bringing in Illegal Aliens Without

) Presentation

The undersigned complainant, being duly sworn, states:

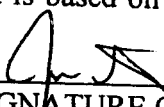
COUNT ONE

On or about **July 3, 2008**, within the Southern District of California, defendant **Jose Guadalupe MEZA-Martinez** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Salvador CASTELLANOS-Veliz, Margarito SANCHEZ-Hernandez, and Ricardo CRUZ-Hernandez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

COUNT TWO

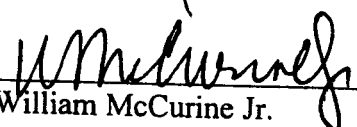
On or about **July 3, 2008**, within the Southern District of California, defendant [REDACTED] with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Salvador CASTELLANOS-Veliz, Margarito SANCHEZ-Hernandez, Ricardo CRUZ-Hernandez**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF JULY,
2008.


William McCurine Jr.

UNITED STATES MAGISTRATE JUDGE

1 WNY

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Salvador CASTELLANOS-Veliz**, **Margarito SANCHEZ-Mercado**, **Ricardo CRUZ-Hernandez**, are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On July 3, 2008, at approximately 8:45 a.m., Border Patrol Agents M. Ponce and T. Karjala were conducting line watch duties near the Otay Mesa area in San Diego, California. Agent Ponce was in a Border Patrol uniform and driving a marked Border Patrol Jeep Rubicon with fully functional emergency equipment. Agent Ponce heard a radio transmission over his bureau issued radio that Agent J. Zimmerman had just observed a blue sedan that had been previously spotted picking up suspected illegal aliens at an area known as Cal-Pine near the Otay Mesa area in San Diego, California. Agent J. Zimmerman then reported that the suspected vehicle was a blue Ford Probe and he further stated the blue Ford Probe was heading south on Alta Road from the Cal-Pine facility.

Agent Ponce responded to the Cal-Pine area to further investigate and as he reached the corner of Alta road and Otay Mesa Road he observed a blue Ford Probe pass his position. As the Ford Probe approached Agent Ponce's position he observed the driver look directly at him. Agent Ponce stated the driver looked directly at him and appeared to have a look of surprise upon seeing a uniformed Border Patrol Agent. Agent Ponce also observed that the vehicle was heavily laden and sagging unnaturally in the back. Upon seeing the marked Border Patrol vehicle, the blue Ford Probe immediately turned east off of Alta Road and drove onto the Otay Mesa towards an area known as Alta Grove. It should be noted that there are only none-maintained dirt roads with many large dips and multiple blind spots that access the Otay Mesa and Alta Grove area.

Due to the fact that the blue Ford Probe matched the description of a previously reported load vehicle and the heavily laden appearance of the vehicle, Agent Ponce attempted to initiate a vehicle stop. The vehicle failed to yield and attempted to evade Agent Ponce and his partner by driving off-road. At this time, San Diego Sector dispatch advised Agent Ponce that a citizen had just reported seeing a small blue vehicle pick up six suspected illegal aliens near the Cal-Pine facility. Additional Border Patrol units were now attempting to assist Agent Ponce in his pursuit.

The Ford probe headed towards an area known as Johnny Wolf's Draw and as additional Border Patrol Agents arrived to assist; the driver turned south and drove into a grassy field on Otay Mesa. The vehicle came to a stop on the grassy field and the driver of the vehicle attempted to abscond on foot. Agent T. Maloney gave chase and apprehended the driver after a brief foot chase and struggle. Border Patrol Agents secured the vehicle since it was still in gear and discovered four individuals in the back seat of the Ford Probe. As agents were securing the vehicle, they heard a knocking sound coming from the trunk. Upon further inspection, Agents discovered two more individuals in the trunk of the vehicle. The individuals in the trunk of the vehicle appeared scared, disoriented and in a state of distress.

Agents Ponce and Karjala identified themselves as Border Patrol Agents and determined that all of the passengers in the vehicle and the driver, later identified as the defendant **Jose Guadalupe MEZA-Martinez**, were citizens and nationals of Mexico with no legal right to stay or to remain in the United States. All seven individuals, including the defendant, were arrested and taken to the Chula Vista Border Patrol Station for processing.

DEFENDANT STATEMENT: Jose Guadalupe MEZA-Martinez

Defendant Jose Guadalupe MEZA-Martinez was advised of his Miranda Rights in the Spanish language which he understood and was willing to answer questions freely without an attorney present. MEZA stated that he is a citizen of Mexico and that he was deported approximately a year ago, and never possessed any immigration documents allowing him to enter or remain in the United States legally.

MEZA stated that last night at approximately 9:00 p.m., he met an individual known as "El Guacho". He stated that that he agreed to pick up an individual for "El Guacho" for \$600.00 dollars. MEZA stated that "El Guacho" provided him with a vehicle to be used to pick up this individual. MEZA stated that he was to take this individual to a park on 41st street and University Ave where "El Guacho" would meet him. MEZA stated that he followed "El Guacho" to a construction site and "El Guacho" instructed him to wait there for the individual he was going to pick up while he visited his brother at the Bailey's jail. MEZA stated that he waited at the construction site until an individual arrived to his car with several other subjects. MEZA stated that the individual instructed the other subjects to get in the back of MEZA's car. He stated that the individual got in the front seat and instructed him to accelerate after they observed a Border Patrol vehicle. MEZA stated that the Border Patrol turned on their lights behind them and he drove onto some dirt roads. He stated that he drove for a while until he stopped and ran from the vehicle but was shortly apprehended. MEZA stated that he was going to be paid \$300.00 dollars a head for each illegal alien and nothing for the foot-guide. MEZA stated that he was instructed to transport them to an apartment located on 41st street and University Avenue.

DEFENDANT STATEMENT: [REDACTED]

Defendant [REDACTED] was advised of his Miranda rights in the Spanish language which he understood and was willing to answer questions without the presence of an attorney. [REDACTED] stated that he is a citizen and national of Mexico and that he does not have any immigration documents allowing him to be in or remain in the United States legally.

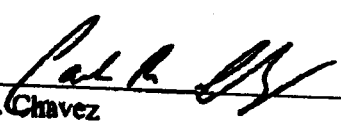
[REDACTED] stated that a guy named Julio who goes by the moniker "El Grafitero" had recently approached him and offered him work as a foot guide. [REDACTED] stated that he knows a lot of young guys in his neighborhood work as foot guides, and that when Julio offered him the job he was familiar with the work. [REDACTED] states that Julio told him he would be paid \$200 USD per person being smuggled into the United States. [REDACTED] stated that early this morning Julio took him to the border fence east of the Otay Mesa Port of Entry and instructed him on how he was to smuggle the people into the United States. [REDACTED] states that shortly after arriving at the fence a group of individuals showed up. [REDACTED] was then instructed to smuggle a group of five individuals into the United States, and he was to make \$200 USD per individual. [REDACTED] stated that once they made it over the primary and secondary fence, he led them to a construction site where he and the group were to wait for their pick up. [REDACTED] stated that a green car arrived and the driver opened the trunk. [REDACTED] stated that two people got in the trunk, three got in the back seat, and he got in the front passenger seat of the vehicle. [REDACTED] stated the driver took off at a high rate of speed, because he was being followed by the Border Patrol. [REDACTED] stated the driver was driving erratically, and that he feared for his life as they tried to escape capture. [REDACTED] states that once the vehicle came to a stop the driver ran out of the vehicle, but everyone else including himself remained in the vehicle until they were arrested by the Border Patrol.

[REDACTED] was presented with a photographic line up and identified defendant Jose Guadalupe MEZA-Martinez, as the driver of the vehicle.

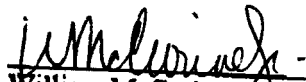
MATERIAL WITNESS STATEMENTS

Material witnesses Salvador CASTELLANOS-Veliz, Margarito SANCHEZ-Mercado and Ricardo CRUZ-Hernandez agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay 2,600.00 (USD) to be smuggled into the United States. Material witnesses Salvador CASTELLANOS-Veliz and Margarito SANCHEZ-Mercado were shown a photographic line up and were able to identify defendant Jose Guadalupe MEZA-Martinez as the driver of the vehicle. Material witnesses Salvador CASTELLANOS-Veliz, Margarito SANCHEZ-Mercado and Ricardo CRUZ-Hernandez were shown another photographic line up and were able to identify defendant [REDACTED] as the man who smuggled them into the United States.

Executed on July 4, 2008, at 10:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 3 page(s), I find probable cause to believe that the defendants named in this probable cause statement committed the offense on July 3, 2008, in violation of Title 8, United States Code, Section 1324.


William McCurine Jr.
U.S. Magistrate Judge

7/4/08, 1229 hrs
Date/Time